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JUN 06 2013

CHICAGO LEGAL CLINIC, INC.

South Chicago • Pilsen • Austin • Downtown

Most Reverend. Thomas J. Paprocki, President
Edward Grossman, Executive Director
Marta C. Bukata, Deputy Director *
Keith I. Harley – kharley@kentlaw.edu
Greta M. Doumanian
Avani Kamdar

Downtown Office:
211 W. Wacker
Suite 750
Chicago, IL 60606
Phone (312) 726-2938
Fax (312) 726-5206

* also admitted in Indiana

May 31, 2013

Helena Wooden-Aguilar
Assistant Director of the OCR External Compliance Program
U.S. EPA, Office of Civil Rights
Mail Code 1201 A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: EPA Files No. 03R-06-R5 and 13R-10-R5, Freedom of Information Act Request

Dear Ms. Wooden-Aguilar:

Please be advised that I represent the South Suburban Citizens Opposed to Polluting Our Environment (SS-COPE). SS-COPE is a volunteer, not-for-profit organization dedicated to securing environmental quality for residents of Southern Cook County.

As you are aware, on April 19, 2006, SS-COPE filed with the U.S. EPA Office of Civil Rights, a complaint alleging that the Illinois Environmental Protection Agency had violated Title VI of the 1964 Civil Rights Act. On July 23, 2010, OCR determined that additional information provided by SS-COPE constituted a second complaint, designating this complaint 13R-10-R5. I am sending this request for information to you because you are the designated contact at OCR for this matter.

On behalf of SS-COPE, and pursuant to the Freedom of Information Act, 5 U.S.C. §552, I request copies of all documents, records and reports in the EPA's possession relating to the Office of Civil Rights' investigation contained in EPA File Nos. 03-06-R5 and 13R-10-R5 including any submissions by any other entity regarding this complaint. Specifically, I request a copy of all records and documents generated by, or in the possession of, U.S. EPA as part of its review of the complaints and its process of determining whether to reject, accept, or refer the complaints to another agency, as required by 40 C.F.R. §7.120. Additionally, I request any additional documents generated throughout the notice, investigation, and subsequent procedures enumerated in 40 C.F.R. §§7.115-130. However, this request does not include any information provided by EPA to SS-COPE in response to an earlier SS-COPE FOIA dated September 18, 2008.

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Pursuant to 5 U.S.C. 552(a)(4)(A)(iii), I request a waiver of any and all fees, including fees for searching for and copying records and information which you may incur in meeting my request. SS-COPE is entitled to this fee waiver because it is a not-for-profit community group. The information will not be used to further any pecuniary interest or any profit-seeking venture, or for any personal or commercial benefit. Because of the health, safety, welfare, environmental, justice, and civil rights issues related to the government's permitting and oversight of the operations of the Geneva Energy facility, disclosure of this information is in the public interest.

The subject matter of the requested records specifically concerns identifiable operations or activities of the government. SS-COPE's request pertains to information acquired and developed by U.S. EPA pursuant to its responsibilities under Title 6 of the Civil Rights Act of 1964 and EPA's implementing regulations. The requested records specifically and exclusively concern government activities and SS-COPE will use these records to evaluate government actions relating to fundamental obligations to adhere to the mandates of civil rights laws.

The disclosure is likely to contribute to an understanding of specific government operations or activities because the releasable material is meaningfully informative in relation to the subject matter of the request. SS-COPE is a volunteer, not-for-profit organization dedicated to securing environmental quality for residents of southern Cook County. SS-COPE has been monitoring the start-up and performance of the Geneva Energy tire-burning facility in Ford Heights, Illinois since the facility applied for its construction permit in April, 2005, including participating actively in the public process culminating in the issuance of a construction permit to Geneva Energy in October, 2005. SS-COPE is the Complainant in two Title VI Complaints arising from these and related matters. The information in the possession of U.S. EPA's OCR forms the primary factual and legal basis for all subsequent activities U.S. EPA undertook in relationship to this matter. These actions may be in the context of specific U.S. EPA operations and activities, including informal resolution and coordinated action with its federally delegated state partner, the Illinois Environmental Protection Agency. This information is directly relevant to the subject matter of the request.

The disclosure will contribute to the understanding of the public at large, not merely the understanding of the requester or a narrow segment of interested persons. The disclosure in question is closely tied to issues of health, safety, welfare, environmental justice, and civil rights. These issues involve all members of the community-at-large near the facility, and the interest of the public-at-large to promote environmental quality and justice. This is also an environmental justice issue because the community immediately adjacent to the Geneva facility is more than 90% African-American. For its part, SS-COPE is a community group, interested in achieving environmental quality for all residents of Southern Cook County. The requested information therefore contributes to the understanding of the public at large, not a narrow segment of interested persons. SS-COPE is committed to sharing the requested documents freely with any interested member of the public, and will take affirmative steps to share this information with the community-based organizations with which it regularly interacts. It will prepare copies of the information for the Chicago Heights library, to ensure free access to any member of the public who chooses to review it. SS-COPE and/or its

representatives will share this information with the Illinois EPA Environmental Justice Advisory Group, which consists of members from throughout Illinois. SS-COPE and/or its representatives will share this information with the Illinois Environmental Justice Commission, consisting of members appointed to review and disseminate information relevant to environmental justice to the full range of stakeholders in Illinois. SS-COPE and/or its representatives will also share information with reporters whose publications have reported on this matter, including the Chicago Tribune.

The disclosure contributes significantly to public understanding of government operations or activities. The disclosure in this instance will shed light on the procedure the government followed to acquire information and to address longstanding public concerns about permitting and related activities in relationship to this regulated facility and the Illinois EPA. The disclosure of documents acquired by U.S. EPA will significantly contribute to the public's understanding of how U.S. EPA fulfilled its responsibilities pursuant to Title VI of the Civil Rights Act of 1964 and the EPA's implementing regulations.

SS-COPE is a not-for-profit, entirely volunteer community group. The information will not be used to further any pecuniary interest or any profit-seeking venture, or for any personal financial or commercial benefit.

SS-COPE's identified public interest in the disclosure outweighs the requester's commercial interest. The disclosure will not serve a commercial interest for SS-COPE in any way.

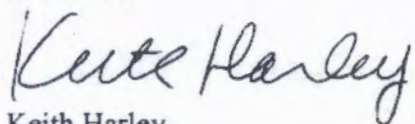
As you know, your agency has 20 working days from the receipt of this letter to respond to my FOIA request. If there is any problem with this request, or if fees will not be waived, please notify me as to how much this request will cost before you proceed. Please call me at (312)-726-2938 if you have any questions about, or wish to discuss the scope of, this request. Either paper or digital media are acceptable formats for U.S. EPA's response to this request.

If this request is denied in whole or in part, I request a formal determination that explicitly refers to the statutory basis for your denial, and which describes SS-COPE's right to appeal. Please send your responses to my attention at:

Keith Harley
Chicago Legal Clinic
211 W. Wacker, Suite 750
Chicago, IL 60606

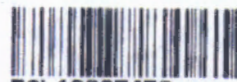
Thank you for your attention and anticipated cooperation.

Sincerely,



Keith Harley
Attorney for SS-COPE

Keith Harley
Chicago Legal Clinic, Inc.
211 W. Wacker, Suite 750
Chicago, IL 60606



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US SUBURBAN IL 604

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Helena Wooden-Aguilar
Assistant Director of the OCR External Compliance
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U.S. EPA, Office of Civil Rights
Mail Code 1201 A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

20460



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Sheryl Mason to: FOIA HQ

06/06/2013 03:51 PM

FYI..

From: Newton, Jonathan
Sent: Thursday, June 06, 2013 3:48 PM
To: Livingston, Keith; Mason, Sheryl
Cc: No, Fredrick
Subject: RE: CREATE - CONTROL SHEET (OCR-13-000-6141) _ Harley Keith Ltr - FOIA Request _ EPA File Nos. _ 03R-06-R5 and 13R-10-R5

Hi Sheryl,

The letter was not attached to this thread, but you can forward to directly to the EPA's National FOIA Office at HQ.FOI@epa.gov. Feel free to give me a call if needed.

Jonathan

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 566-1981

From: Livingston, Keith
Sent: Thursday, June 06, 2013 2:22 PM
To: Newton, Jonathan
Cc: Mason, Sheryl; No, Fredrick
Subject: FW: CREATE - CONTROL SHEET (OCR-13-000-6141) _ Harley Keith Ltr - FOIA Request _ EPA File Nos. _ 03R-06-R5 and 13R-10-R5

Jonathan-

Could you all provide any guidance to Sheryl Mason on this since it is a FOIA request?

Thanks, -Keith

From: Mason, Sheryl
Sent: Thursday, June 06, 2013 2:19 PM
To: Livingston, Keith
Subject: RE: CREATE - CONTROL SHEET (OCR-13-000-6141) _ Harley Keith Ltr - FOIA Request _ EPA File Nos. _ 03R-06-R5 and 13R-10-R5

Hi Keith,

This is an actual FOIA request. Thanks.

From: Livingston, Keith

Sent: Thursday, June 06, 2013 11:56 AM

To: Mason, Sheryl

Subject: RE: CREATE - CONTROL SHEET (OCR-13-000-6141) _ Harley Keith Ltr - FOIA Request _ EPA File Nos. _ 03R-06-R5 and 13R-10-R5

Hi Sheryl,

No this should not come directly to me. Is this an actual FOIA request or correspondence?

From: Mason, Sheryl

Sent: Thursday, June 06, 2013 10:41 AM

To: Livingston, Keith

Subject: FW: CREATE - CONTROL SHEET (OCR-13-000-6141) _ Harley Keith Ltr - FOIA Request _ EPA File Nos. _ 03R-06-R5 and 13R-10-R5

Hi Keith,

Does this request go to you? Or to someone else in your office? Can you please let me know when you get a chance? Thank you.

From: Wooden-Aguilar, Helena

Sent: Thursday, June 06, 2013 10:34 AM

To: Mason, Sheryl

Cc: Goerke, Ariadne; Martinez, Brittany; Rhodes, Julia

Subject: FW: CREATE - CONTROL SHEET (OCR-13-000-6141) _ Harley Keith Ltr - FOIA Request _ EPA File Nos. _ 03R-06-R5 and 13R-10-R5

Sheryl-

Please submit this to the FOIA office because it needs to be processed.

Thanks,

Helena

From: Whickum, Cheryl

Sent: Thursday, June 06, 2013 10:11 AM

To: Martinez, Brittany

Cc: Wooden-Aguilar, Helena

Subject: CREATE - CONTROL SHEET (OCR-13-000-6141) _ Harley Keith Ltr - FOIA Request _ EPA File Nos. _ 03R-06-R5 and 13R-10-R5

A Warm & Hearty...

Ms. Brittany:

Hard copy of the above ltr has been placed in your box for review /action.

Thank you,

Cheryl Whickum

U. S. EPA, Office of Civil Rights
Title VI - External Compliance Program
1200 Pennsylvania Ave, NW, Room 2524-ARN
Mail Code: 1201A
Washington, DC 20460
202-564-4366 (Direct Line)



202-564-7272 (Office Line) Create - Control Sheet (OCR-13-000-6141) _ Harley, Keith Ltr - FOIA Requ....pdf

Create Control - Data Entry

Control Number: OCR-13-000-6141

Alternate Number:

Citizen Information

Citizen/Originator: 1). Harley, Keith - 211 W. Wacker, Chicago, IL 60606

Search Citizen

Constituent:

Search Constituent

Committee:

Sub-Committee:

Control Information

Status: Pending

Letter Date: May 31, 2013

Received Date:

Jun 5, 2013

Contact Type: LTR (Letter)

Priority Code:

Normal

Addressee: US/EPA Office Of Civil Rights

(+) *

Addressee Org:

1200 Penn Avenue, NW

File Code: 108-025-08_497_a Discrimination Complaints - External Record Copy

Signature:

(+) *

CC:

Search CC

Signature Date: Date

Primary Subject: Fil Case No.03-R06-R5

Secondary Subject:

Instructions: NRN-No Response Necessary

Instruction Notes:

General Notes: This control is assigned to title 6 for appropriate action

*: Required field

(+): Lookup field, press space bar for complete list

Save

Continue and Assign

Cancel